

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:21-CV-00172-KDB-SCR**

**BELVIN SHERRILL AND
AURELIA SHERRILL,**

Plaintiffs,

v.

**AZIYO BIOLOGICS, INC.;
DCI DONOR SERVICES, INC.;
AND
NEW MEXICO DONOR
SERVICES,**

Defendants.

ORDER

THIS MATTER is before the Court on the parties' motions in limine (Docs. No. 166, 168, 174, 178, 181, 184-91, 194, 195). The Court has carefully considered the motions, the parties' briefs and exhibits, and oral argument on the motions from the parties' counsel on October 30, 2024. For the reasons discussed during oral argument, the Court orders as follows:

Doc. No. 166

- Motion in Limine No. 1 is DENIED.
- Motion in Limine No. 2 is DENIED.
- Motion in Limine No. 3 is GRANTED.
- Motion in Limine No. 4 is GRANTED.
- Motion in Limine No. 5 is DENIED as moot.
- Motion in Limine No. 6 is GRANTED.
- Motion in Limine No. 7 is GRANTED.
- Motion in Limine No. 8 is DENIED.
- Motion in Limine No. 9 is GRANTED.
- Motion in Limine No. 10 is DENIED without prejudice.
- Motion in Limine No. 11 is GRANTED.
- Motion in Limine No. 12 is GRANTED.
- Motion in Limine No. 13 is DENIED as moot.
- Motion in Limine No. 14 is DENIED as moot.

- Motion in Limine No. 15 is GRANTED.
- Motion in Limine No. 16 is GRANTED.
- Motion in Limine No. 17 is DENIED as moot.

Doc No. 168

- *Daubert* Motion re: Dr. Nahid is DENIED.
- *Daubert* Motion re: Dr. Feigal is DENIED.

Doc No. 172

- Motion in Limine No. 1 is DEFERRED.
- Motion in Limine No. 2 is GRANTED.
- Motion in Limine No. 3 is GRANTED as related to per se not negligent.
- Motion in Limine No. 4 is DEFERRED.
- Motion in Limine No. 5 is DEFERRED.
- Motion in Limine No. 6 is DEFERRED.
- Motion in Limine No. 7 is GRANTED.
- Motion in Limine No. 8 is GRANTED.
- Motion in Limine No. 9 is GRANTED.
- Motion in Limine No. 10 is DENIED as to the recall notice, which may be described but not proffered to the jury; GRANTED as to definitions and code sections.
- Motion in Limine No. 11 is GRANTED.

Doc No. 178

- *Daubert* Motion re: Dr. Dhir is DENIED.

Doc No. 181

- *Daubert* Motion re: Dr. Hitcher is DENIED.

Doc No. 184

- *Daubert* Motion re: Dr. Tettelbach is DENIED.

Doc. No. 185

- *Daubert* Motion re: Holly Patel is DEFERRED.

Doc No. 186

- *Daubert* Motion re: Dr. Miller is DENIED.

Doc. No. 187

- *Daubert* Motion re: Dr. Grant is DENIED

Doc. No. 188

- Motion in Limine No. 7 is DENIED.

Doc. No 189

- Motion in Limine No. 8 is DENIED as premature.

Doc No. 190

- Motion in Limine No. 9 (labelled as 12 in brief) is GRANTED.
- Motion in Limine No. 10 (labelled as 13 in brief) is GRANTED.
- Motion in Limine No. 11 (labelled as 14 in brief) is GRANTED.
- Motion in Limine No. 12 (labelled as 15 in brief) is GRANTED.
- Motion in Limine No. 13 (labelled as 16 in brief) is GRANTED.
- Motion in Limine No. 14 (labelled as 17 in brief) is GRANTED.
- Motion in Limine No. 15 (labelled as 18 in brief) is DENIED.
- Motion in Limine No. 16 (labelled as 19 in brief) is GRANTED with respect to financial losses; otherwise DENIED.
- Motion in Limine No. 17 (labelled as 20 in brief) is GRANTED except as to the stipulated recall notice and subject to further orders of the Court regarding admissibility of exhibits under consideration.
- Motion in Limine No. 18 (labelled as 21 in brief) is GRANTED for purposes of proving negligence or culpability, but may be used for impeachment or to show feasibility.
- Motion in Limine No. 19 (labelled as 22 in brief) is DENIED.
- Motion in Limine No. 20 (labelled as 23 in brief) is GRANTED as to causation.
- Motion in Limine No. 21 (labelled as 24 in brief) is DENIED as premature.
- Motion in Limine No. 22 (labelled as 25 in brief) is DEFERRED.
- Motion in Limine No. 23 (labelled as 26 in brief) is GRANTED.

Doc. No. 191

- Motion in Limine No. 24 is DEFERRED.

Doc. No. 194

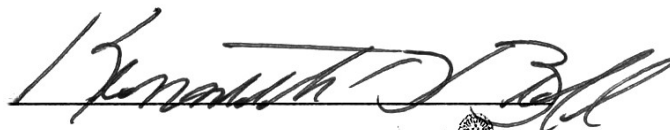
- Motion in Limine No. 25 DENIED without prejudice.

Doc. No. 195

- Motion in Limine No. 26 is DENIED.

SO ORDERED ADJUDGED AND DECREED.

Signed: October 31, 2024



Kenneth D. Bell
United States District Judge

